

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 31 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claim 31 recites functional descriptive material on a computer readable medium. However, the program/algorithm itself manipulates data or an abstract idea without a limitation to a practical application. A practical application exists if the result of the claimed invention is useful, concrete, and tangible.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13, 16-28 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by LaJoie et al (5,850,218) hereinafter referred to as LaJoie.

Regarding claim 1, LaJoie discloses an interactive program guide with default selection control which reads on “a program information display apparatus comprising: user-selected information input unit which receives user-selected information from a user; and a program cell display unit which displays program information corresponding

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to objects, which are based on the user-selected information input to the user-selected information input unit, as a program cell having a uniform format, regardless of a predetermined characteristic of the program information” in addition LaJoie discloses a set-top terminal (6) comprising infrared input (IR) input (55), and an interactive program guide stored in memory (31), which reads on “a program information display apparatus comprising: user-selected information input unit which receives user-selected information from a user” (figure 3, column 9, lines 1-4), in addition LaJoie discloses a screen display of the interactive program guide consisting of cells of program information selectable by user such as time, date, day, title, mode, and channel arranged in a definite pattern, which reads on “and a program cell display unit which displays program information corresponding to objects, which are based on the user-selected information input to the user-selected information input unit, as a program cell having a uniform format, regardless of a predetermined characteristic of the program information” (column 8, lines 65-67).

Regarding claim 2, LaJoie discloses everything as above (see claim 1), in addition LaJoie discloses an interactive program guide that includes a program mode information, day, time, duration, title, theme, pay-per-view channel settings controls which enable the cable subscriber to fully configure the set-top terminal to operate as desired wherein, the subscriber may: assign channels to a favorite channel list; block channels based upon channel number, time, program rating, and genre, which reads on “the program information display apparatus, wherein the user-selected information includes mode information about display modes and day information about broadcast

days, the program information comprises program title information, broadcast time information, viewer age restriction information and pay-per-view information, and the predetermined characteristic of the program information is a length of a broadcast” (figures 21, 29 and column 6, lines 4-9).

Regarding claim 3, LaJoie discloses an interactive program guide with default selection control which reads on “an electronic program guide display apparatus comprising: a program information receiving unit which receives program information about electronic program guide organization programs from a broadcast station; a program information database which stores the program information received in the program information receiving unit; a mode information input unit which receives mode information about electronic program guide display modes, from a user; a day information input unit which receives day information about electronic program guide organization days from a user; and a program cell display unit which extracts program information corresponding to a mode, which is based on the mode information input to the mode information input unit, and a day, which is based on the day information input to the day information input unit, from the program information stored in the program information database and displays the extracted program information as a program cell having a uniform format, regardless of a predetermined characteristic of the program information” in addition LaJoie discloses a set-top terminal (6) comprising a CPU (30) that houses and electronic program guide broadcasted from cable plant (5), which reads on “an electronic program guide display apparatus comprising: a program information receiving unit which receives program information about electronic program guide

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organization programs from a broadcast station" (figure 3), in addition LaJoie discloses a memory management unit (31) embedded in the set-top terminal (6), which reads on "a program information database which stores the program information received in the program information receiving unit" (figure 3) further LaJoie discloses a browse mode in figure 6 which is entered by subscriber pushing on the arrow button on the remote (59) transmitted through the IR receiver input device (55), which reads on "a mode information input unit which receives mode information about electronic program guide display modes, from a user; a day information input unit which receives day information about electronic program guide organization days from a user" (column 18, lines 10-14) and finally LaJoie discloses an interactive program guide user interface comprising mode information, day information and an image window(340) wherein the user interface has a definite style no matter what mode it operates in, which reads on "; and a program cell display unit which extracts program information corresponding to a mode, which is based on the mode information input to the mode information input unit, and a day, which is based on the day information input to the day information input unit, from the program information stored in the program information database and displays the extracted program information as a program cell having a uniform format, regardless of a predetermined characteristic of the program information" (figure 16).

Regarding claim 4, LaJoie discloses everything as above (see claim 3), in addition LaJoie a set-top terminal (6) comprising a CPU (30) that houses and electronic program guide broadcasted from cable plant (5), which reads on "the electronic program guide display apparatus, further comprising an initial information receiving unit

which receives initial information including current day information and current time information from the broadcast station” (figure 3).

Regarding claim 5, LaJoie discloses everything as above (see claim 4), in addition LaJoie discloses an interactive program guide which pops up whenever a user switches channels it includes the current day ,time information form set-top terminal database, which reads on “the electronic program guide display apparatus, wherein when no mode information is input to the mode information input unit and no day information is input to the day information input unit, the program cell display unit extracts program information corresponding to a mode indicated by basic mode information and a day indicated by the current day information, from the program information stored in the program information database and displays the extracted program information as the program cell” (figures 20).

Regarding claim 6, LaJoie discloses everything as above (see claim 5), in addition LaJoie discloses a layout of a browse banner (160) of the program guide comprising two windows containing program information wherein the leftmost window is a time indicator window (170), which reads on “the electronic program guide display apparatus, wherein the program cell display unit displays program information corresponding to a timepoint indicated by the current time information among the extracted program information, based on the initial information received in the initial information receiving unit, as a left most program cell of displayed program cells” (figure 8).

Regarding claim 7, LaJoie discloses everything as above (see claim 4), in addition LaJoie discloses a display interactive program guide I time mode comprising current program window (340), date, channel, and title as shown in figure 16, which reads on “the electronic program guide display apparatus, wherein when an initial picture restoration command is input from a user, the program cell display unit extracts program information corresponding to a mode indicated by basic mode information and a day indicated by the current day information, from the program information stored in the program information database and displays the extracted program information as the program cell” (figure 16).

Regarding claim 8, LaJoie discloses everything as above (see claim 3), in addition LaJoie discloses a display interactive program guide I time mode comprising current program window (340), date, channel, and title as shown in figure 16, which reads on “the electronic program guide display apparatus, further comprising a mode information display unit and day information display unit which displays the mode information and the day information for the user” (figure 16).

Regarding claim 9, LaJoie discloses everything as above (see claim 8), in addition LaJoie discloses a display interactive program guide I time mode comprising current program window (340), date, channel, and title as shown in figure 16, which reads on “the electronic program guide display apparatus, wherein the mode information display unit and the day information display unit comprises: a mode information icon display unit which displays the mode information respectively as at least one icon for the user and displays an icon corresponding to the ode which the

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mode information input to the mode information input unit indicates, in such a manner that the icon is distinguished from other icons; and a day information icon display unit which displays the day information respectively as at least one icon for the user and displays an icon corresponding to a day which the day information input to the day information input unit indicates, in such a manner that the icon is distinguished from other icons" (figure 16).

Regarding claim 10, LaJoie discloses everything as above (see claim 3), in addition LaJoie discloses an interactive program guide that includes a program mode information, day, time, duration, title, theme, pay-per-view channel settings controls which enable the cable subscriber to fully configure the set-top terminal to operate as desired wherein, the subscriber may: assign channels to a favorite channel list; block channels based upon channel number, time, program rating, and genre, which reads on "the electronic program guide display apparatus, wherein the program information comprises program title information, broadcast time information, viewer age restriction information, and pay-per-view information, and the characteristic of the program information is a length of the broadcast" (figures 16, 21, 29 and column 6, lines 4-9).

Regarding claim 11, LaJoie discloses everything as above (see claim 3), in addition LaJoie discloses a channel settings controls which enable the cable subscriber to fully configure the set-top terminal to operate as desired. For example, the subscriber may: assign channels to a favorite channel list, theme list including movies, news, sport, travel, which reads on "the electronic program guide display apparatus, wherein the mode information includes setting information of the program information

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and type information of the program information, wherein the setting information indicates one of a display-on setting and display-off setting for the respective program information and the type information indicates one of drama, news, sports, movies and all of the above, as a display basis for the respective program information” (figure 16, column 6, lines 4-7).

Regarding claim 12, LaJoie discloses everything as above (see claim 11), in addition LaJoie discloses an illustration of the interactive program guide in time mode, theme mode and browse mode including day, time , title, and current and previous channel information which reads on “the electronic program guide display apparatus, wherein when the mode information input to the mode information input unit is the setting information, the program cell display unit extracts program information corresponding to the display-on setting that the setting information indicates, from the program information stored in the program information database and displays the extracted program information as the program cell” (figures 6, 16-17, 20-21).

Regarding claim 13, LaJoie discloses everything as above (see claim 11), in addition LaJoie discloses an illustration of the interactive program guide in time mode, theme mode and browse mode, which reads on “the electronic program guide display apparatus, wherein when the mode information input to the mode information input unit is the type information, the program cell display unit extracts program information corresponding to the type which the type information indicates, from the program information stored in the program information database and displays the extracted program information as the program cell” (figures 6, 16-17, 20-21).

Regarding claim 16, LaJoie discloses an interactive program guide with default selection control which reads on “a program information display method comprising: (a) receiving user-selected information from a user; and (b) displaying program information corresponding to objects, which is based on the received user-selected information, as a program cell having a uniform format, regardless of a predetermined characteristic of the program information” in addition LaJoie discloses a set-top terminal (6) comprising a CPU (30) that houses and electronic program guide broadcasted from cable plant (5), a memory management unit (31) embedded in the set-top terminal (6), which reads on “a program information display method comprising: (a) receiving user-selected information from a user; and (b) displaying program information corresponding to objects, which is based on the received user-selected information, as a program cell having a uniform format, regardless of a predetermined characteristic of the program information” (figure 3).

Regarding claim 17, LaJoie discloses everything as above (see claim 16), in addition LaJoie discloses an interactive program guide that includes a program mode information, day, time, duration, title, theme, pay-per-view channel settings controls which enable the cable subscriber to fully configure the set-top terminal to operate as desired wherein, the subscriber may: assign channels to a favorite channel list; block channels based upon channel number, time, program rating, and genre, which reads on “the program information display method, wherein the user-selected information includes mode information about at least one display mode and day information about at least one broadcast day, the program information includes program title information,

broadcast time information, viewer age restriction information, and pay-per-view information, and the predetermined characteristic of the program information is a length of the broadcast” (figures 21, 29 and column 6, lines 4-9).

Regarding claim 18, LaJoie discloses an interactive program guide with default selection control which reads on “an electronic program guide display method comprising: (a) receiving program information about at least one electronic program guide organization program from a broadcast station; (b) storing the received program information; (c) receiving mode information about at least one electronic program guide display mode from a user; and (d) receiving day information about at least one electronic program guide organization day from a user; and (e) extracting program information corresponding to a mode indicated by the received mode information and a day indicated by the received day information, from the stored program information and displaying the extracted program information as cells having a uniform format, regardless of a predetermined characteristic of the program information” in addition LaJoie discloses a set-top terminal (6) comprising a CPU (30) that stores and electronic program guide broadcasted from cable plant (5), which reads on “an electronic program guide display method comprising: (a) receiving program information about at least one electronic program guide organization program from a broadcast station” (figure 3), in addition LaJoie discloses a memory management unit (31) embedded in the set-top terminal (6), which reads on “(b) storing the received program information” (figure 3) further LaJoie discloses a user interface in figure 16 which is evoked by subscriber input via remote control (59) transmitted via the IR receiver input device (55), which

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reads on “(c) receiving mode information about at least one electronic program guide display mode from a user; and (d) receiving day information about at least one electronic program guide organization day from a user” (column 18, lines 10-14) and finally LaJoie discloses an interactive program guide that includes a program mode information, day, time, duration, title, theme, pay-per-view channel settings controls which enable the cable subscriber to fully configure the set-top terminal to operate as desired wherein, the subscriber may: assign channels to a favorite channel list; block channels based upon channel number, time, program rating, and genre, which reads on “and (e) extracting program information corresponding to a mode indicated by the received mode information and a day indicated by the received day information, from the stored program information and displaying the extracted program information as cells having a uniform format, regardless of a predetermined characteristic of the program information” (figures 16, 21, 29 and column 6, lines 4-9).

Regarding claim 19, LaJoie discloses everything as above (see claim 18), in addition LaJoie discloses a set-top terminal (6) comprising a CPU (30) that houses and electronic program guide broadcasted from cable plant (5), a memory management unit (31) embedded in the set-top terminal (6), which reads on “the electronic program guide display method, further comprising receiving initial information including current day information and current time information from the broadcast station” (figure 3).

Regarding claim 20, LaJoie discloses everything as above (see claim 19), in addition LaJoie discloses a set-top terminal (6) comprising a CPU (30) that stores and electronic program guide broadcasted from cable plant (5), a memory management unit

(31) embedded in the set-top terminal (6), which reads on “the electronic program guide display method, wherein in the step (e) the program information extracted from the stored program information corresponds to a mode indicated by basic mode information and a day indicated by the current day information, and is displayed as a program cell, when no mode information is input and no day information is received from the user” (figure 3).

Regarding claim 21, LaJoie discloses everything as above (see claim 20), in addition LaJoie discloses a layout of a browse banner (160) of the program guide comprising two windows containing program information wherein the leftmost window is a time indicator window (170), which reads on “the electronic program guide display method, wherein in the step (e), program information corresponding to a timepoint indicated by the current time information among the extracted program information is displayed, based on the received initial information, as a left most program cell of the displayed program cells” (figure 8).

Regarding claim 22, LaJoie discloses everything as above (see claim 19), in addition LaJoie discloses an illustration of the interactive program guide in time mode, theme mode and browse mode including day, time, title, and current and previous channel information which reads on “the electronic program guide display method, wherein in the step (e), the program information corresponds to a mode indicated by basic mode information and a day indicated by the current day information, and is displayed as a program cell, when an initial picture restoration command is input from the user” (figures 6, 16-17, 20-21).

Regarding claim 23, LaJoie discloses everything as above (see claim 18), in addition LaJoie discloses an illustration of the interactive program guide in time mode, theme mode and browse mode including day, time, title, and current and previous channel information which reads on “the electronic program guide display method, further comprising step (f) displaying the mode information and the day information for the user” (16-17, 20-21).

Regarding claim 24, LaJoie discloses everything as above (see claim 23), in addition LaJoie discloses an illustration of the interactive program guide in time mode, theme mode and browse mode including day, time, title, icons, and current and previous channel information which reads on “the electronic program guide display method, wherein the step (f) comprises: (f1) displaying the mode information respectively as icons for the user, and displaying an icon corresponding to the mode which the received mode information indicates in such a manner that the icon is distinguished from other icons; and (f2) displaying the day information respectively as icons for the user, and displaying an icon corresponding to the day which the received day information indicates in such a manner that the icon is distinguished from other icons” (16-17, 20-21).

Regarding claim 25, LaJoie discloses everything as above (see claim 18), in addition LaJoie discloses an interactive program guide that includes a program mode information, day, time, duration, title, theme, pay-per-view channel settings controls which enable the cable subscriber to fully configure the set-top terminal to operate as desired wherein, the subscriber may: assign channels to a favorite channel list; block

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channels based upon channel number, time, program rating, and genre, which reads on “the electronic program guide display method, wherein the program information comprises program title information, program time information, viewer age restriction information and pay-per-view information, and the predetermined characteristic of the program information is a length of the broadcast” (figures 21, 29 and column 6, lines 4-9).

Regarding claim 26, LaJoie discloses everything as above (see claim 18), in addition LaJoie discloses a channel settings controls which enable the cable subscriber to fully configure the set-top terminal to operate as desired. For example, the subscriber may: assign channels to a favorite channel list, theme list including movies, news, sport, travel, which reads on “the electronic program guide display method, wherein the mode information comprises setting information related to the program information and type information related to the program information, wherein the setting information indicates one of a display-on setting and display-off setting, for displaying and not displaying the respective program information, and the type information indicates at least one of drama, news, sports, and movies as a display basis for the respective program information” (figure 16, column 6, lines 4-7).

Regarding claim 27, LaJoie discloses everything as above (see claim 26), in addition LaJoie discloses a channel settings controls which enable the cable subscriber to fully configure the set-top terminal to operate as desired. For example, the subscriber may: assign channels to a favorite channel list, theme list including movies, news, sport, travel, which reads on “the electronic program guide display method,

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wherein in the step (e), the program information extracted from the stored program information corresponds to the display-on setting which the setting information indicates, and is displayed as a program cell, when the received mode information is the setting information” (figure 16, column 6, lines 4-7).

Regarding claim 28, LaJoie discloses everything as above (see claim 26), in addition LaJoie discloses a channel settings controls which enable the cable subscriber to fully configure the set-top terminal to operate as desired. For example, the subscriber may: assign channels to a favorite channel list, theme list including movies, news, sport, travel, which reads on “the electronic program guide display method, wherein in the step (e), the program information extracted from the stored program information corresponds to a type which the type information indicates and is displayed as a program cell, when the received mode information is the type information” (figure 16, column 6, lines 4-7).

Claim 31 is rejected for similar reasons as any of claims 16-30 because it is the software that performs their individual steps.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-15, 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al (5,850,218) in view of Klosterman et al (5,940,073) hereinafter referred to as LaJoie and Klosterman.

Regarding claim 14, LaJoie discloses everything as above (see claim 3). It is noted that LaJoie fails to explicitly disclose a program guide displaying the entire days of the week. However, the examiner maintains that it was well known in the art to provide program guides that display the days of the week.

In a similar field of endeavor Klosterman discloses a an electronic program guide that displays all the days of the week, which reads on “the electronic program guide display apparatus, wherein the day information indicates one of a day of a week and an entire week” (figure 4(a))

Therefore it would have been obvious for one with ordinary skill in the art at the time the invention was made to modify LaJoie by specifically making the days of the week available on an electronic program guide for the purpose of enhancing the reality of the guide.

Regarding claim 15, LaJoie and Klosterman discloses everything as above (see claim 14). It is noted that LaJoie fails to explicitly disclose a program guide displaying the entire days of the week. However, the examiner maintains that it was well known in the art to provide program guides that display the days of the week.

In a similar field of endeavor Klosterman discloses a an electronic program guide that displays all the days of the week, which reads on “the electronic program guide display apparatus, wherein when the day information input to the day information input

unit indicates the entire week, the program cell display unit extracts program information corresponding to the entire week from the program information stored in the program information database and displays the extracted program information as the program cell” (figure 4(a))

Therefore it would have been obvious for one with ordinary skill in the art at the time the invention was made to modify LaJoie by specifically making the days of the week available on an electronic program guide for the purpose of enhancing the reality of user interaction with the guide.

Regarding claim 29, LaJoie discloses everything as above (see claim 18). It is noted that LaJoie fails to explicitly disclose a program guide displaying the entire days of the week. However, the examiner maintains that it was well known in the art to provide program guides that display the days of the week.

In a similar field of endeavor Klosterman discloses a an electronic program guide that displays all the days of the week, which reads on “the electronic program guide display method, wherein the received day information indicates one of a day of a week and an entire week” (figure 4(a))

Therefore it would have been obvious for one with ordinary skill in the art at the time the invention was made to modify LaJoie by specifically making the days of the week available on an electronic program guide for the purpose of enhancing the reality of user interaction with the guide.

Regarding claim 30, LaJoie and Klosterman discloses everything as above (see claim 29). It is noted that LaJoie fails to explicitly disclose a program guide displaying

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the entire days of the week. However, the examiner maintains that it was well known in the art to provide program guides that display the days of the week.

In a similar field of endeavor Klosterman discloses a an electronic program guide that displays all the days of the week, which reads on “the electronic program guide display method, wherein in the step (e), the program information extracted from the stored program information corresponds to the entire week, and is displayed as a program cell, when the received day information indicates the entire week” (figure 4(a)).

Therefore it would have been obvious for one with ordinary skill in the art at the time the invention was made to modify LaJoie by specifically making the days of the week available on an electronic program guide for the purpose of enhancing the reality of user interaction with the guide.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY BANTAMOI whose telephone number is (571)270-3581. The examiner can normally be reached on MON.-FRI..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jefferey Harold can be reached on 571 272 7519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anthony Bantamoi  
Examiner  
Art Unit 4115

AB  
/Jefferey F Harold/  
Supervisory Patent Examiner, Art Unit 4115